

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ARMY JOE LEAKE, II,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

:
:
:
:
:
:
:
:

CIVIL ACTION

No. 09-4564

ORDER

AND NOW, this 29th day of December, 2011, for the reasons provided in the Court's Memorandum Opinion, and upon consideration of the Defendant's "Motion to Exclude the Reports and Testimony of Dr. Washington and Dr. Handler" (Doc. No. 26), "Motion to Exclude the Reports and Testimony of Dr. Rudy Rai" (Doc. No. 28), "Motion for Partial Dismissing Negligence and Unseaworthiness Claims" (Doc. No. 29), "Motion for Partial for Summary Judgment to Dismiss Plaintiff's Claim for Maintenance and Cure" (Doc. No. 30) and "Motion to Exclude the Report and Testimony of Dr. Jack Caravanos" (Doc. No. 27), and the responses and replies thereto, it is hereby **ORDERED** that:

1. Defendant's "Motion to Exclude the Reports and Testimony of Dr. Washington and Dr. Handler" (Doc. No. 26) is **GRANTED**;
2. Defendant's "Motion to Exclude the Reports and Testimony of Dr. Rudy Rai" (Doc. No. 28) is **GRANTED**;
3. Defendant's "Motion for Partial Summary Judgment Dismissing Negligence and Unseaworthiness Claims" (Doc. No. 29) is **GRANTED**;
4. Defendant's "Motion for Partial for Summary Judgment to Dismiss Plaintiff's Claim

for Maintenance and Cure” (Doc. No. 30) is **GRANTED**;

5. Defendant’s “Motion to Exclude the Report and Testimony of Dr. Jack Caravanos” (Doc. No. 27) is **DENIED** as moot;¹
6. The Clerk of Court is directed to **CLOSE** this case for statistical purposes.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.

¹ Because Plaintiff has not presented admissible evidence to support a finding that the chemicals at issue are capable of causing his injury, Defendant’s challenge to Dr. Jack Caravanos’ opinion regarding Plaintiff’s level of exposure to these chemicals is moot. See (Doc. Nos. 27, 34.)